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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,885	01/22/2002	Jose Duez	BDL-364XX	5084

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EXAMINER

NGUYEN, TUAN N

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,885

Applicant(s)

DUEZ ET AL.

Examiner

Tuan N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1-13 are objected to because of the following informalities:

In claim 1,

line 1: "constituted by" is grammatically incorrect and should be --constituted of--
(please also change it in all depending claims);

line 4: "and/or" should be --or--;

line 5: "limited thickness e" should be --limited thickness-- (please also change it
in all depending claims).

In claim 2,

lines 3 and 4: "the range" should be --the range of-- (see also claim 13).

In claim 4,

lines 3 and 4: "MF" is not a known standard abbreviation and therefore should be
spelled out so as to clearly identify as to what is being claimed (see also claim 9).

Appropriate correction is required.

In claim 13,

line 3: "1 second (s) to 10 s" should be --1 to 10 seconds--.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, "the pores and/or capillaries" in lines 3-4 appears to lack antecedent basis in the claim. Furthermore, "a writing tip" in line 7 appears to be a double inclusion of that in line 3 and therefore presents a question as to their difference.

With respect to claim 2, "A nib" in line 1 appears to be a double inclusion of that in line 1 of claim 1 and therefore presents a question as to their difference. "A nib" in line 1 should be --The nib-- (please also make correction to claims 3-13) and "a nib in line 2 of claims 7 and 12 should be --the nib--.

With respect to claim 6, it is unclear as to what the structures of "sintered microbeads" in line 2 are and it is unclear as to what the language "localized hot-melting of said microbeads over said thickness" in lines 3-4 is trying to claim (see also claim 12).

With respect to claim 7, it is unclear as to the meet and bound of the languages "consisting firstly in" in line 3 and "consists secondly in" in line 11. It is unclear as to where the method step begins and ends. Since claim 11 further claims more method steps, the Examiner cannot interpret them as an equivalent to --consisting of--. The same goes for claim 12.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipate by Hori.

Hori discloses a nib constituted of a segment of a coherent, elongated rod/element of high porosity polyester fiber material (10) having a diameter lying in the range of 2 mm to 15 mm (see col. 7, line 4 et seq.), with at least a first end shaped to form a writing tip (see Figs. 1a-5b). The material includes pores or capillaries blocked over a limited thickness lies in the range of 0.01 mm to 1 mm (see col. 7, line 17 et seq.). A sealing agent (18) of synthetic resin such as epoxy resin, urethane resin, or phenolic resin blocks the pores or capillaries. The resin being claimed in claims 4, 5, and 9 are inherently another form of the above synthetic resin. The elongated element would constituted of "sintered microbeads" since it is being molded or thermal shock under temperature lying in the range of 200°C to 300°C for a period of 10 to 50 seconds (see col. 3, line 50 et seq. and col. 7, lines 18-23). The method as claimed would be inherent during normal manufacture of the Hori nib.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakano, Kurihara et al., Goldsworthy, Johnson, and Daugherty


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et al. are prior art which disclose nibs and nib manufacturing methods that are applicable to the instant invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 703-306-9046. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on 703-308-2580. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7766 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.


TUAN N. NGUYEN
PATENT EXAMINER

TN
January 10, 2003